



FIRST NATIONS WATER RIGHTS IN BRITISH COLUMBIA

*A Historical Summary of the rights of the
Lakahahmen First Nation*



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**MINISTRY OF ENVIRONMENT, LANDS and PARKS
WATER MANAGEMENT BRANCH**

***FIRST NATIONS WATER RIGHTS IN
BRITISH COLUMBIA:***

***A Historical Summary of the rights of the
Lakahahmen First Nation***

Research and writing by: Rachel Abrams

Edit by: JOL Consulting

Review by: Gary W. Robinson

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Gary Robinson
Project Manager
Water Management Branch

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FIRST NATION WATER RIGHTS REPORT

BAND: Lakahahmen
ADDRESS: 41290 Lougheed Highway, R.R. 1, Deroche, BC, V0M 1G0
CHIEF: George Campo
PHONE: 826-7976 **FAX:** 826-0362
AFFILIATION: Sto:lo Nation Canada

LOCATION:

The Lakahahmen Band occupies ten reserves situated within the Georgia Depression in an area northeast of Abbotsford. These reserves range in size from 2.5 to 114.9 hectares. The Lakahahmen reserves include:

Aylechootlook No. 5
Holachten No. 8
Lakahahmen No. 11
Lackaway No. 2
Lakway Cemetary No. 3

Papekwatchin No. 4
Skweahm No. 10
Sumas Cemetary No. 12
Yaalstrick No. 1
Zaitscullachan No. 9

Of these reserve lands water rights have been issued on Aylechootlook No. 5. This is a 19.8 hectare reserve which is located at the junction of Sumas River and Vedder River.

The most recent population figures from the Ministry of Finance indicate that the Lakahahmen Band's total population, including registered and non-registered members living on and off-reserve, is 262.

The Lakahahmen reserves are located within the Georgia Depression in the Coastal Western Hemlock Biogeoclimatic Zone. Coastal western hemlock and amabilis fir are the dominant climax trees within this zone, although several other species are common. Abundant rainfall and mild temperatures make the forests within this biogeoclimatic zone some of the most productive in British Columbia. The Lakahahmen reserves lie at elevations ranging from 0 to 100 metres above mean sea level, and experience climate ranging from an average daily temperature of 0 to -5 degrees centigrade in January, to between 16 and 20 degrees centigrade in July. The average annual rainfall for this area is 100 to 250 centimeters.

The only water course of significance is Engineers Creek. This creek is situated almost immediately west of Aylechootlook Reserve No. 5, and flows in an easterly direction before it enters the right bank of the Sumas River.

WATER ALLOCATIONS:

There are no records of any allocations made by Determinations of the Board, Indian Reserve Commissioners nor any Orders in Council of the Lieutenant Governor in Council. However, the water rights of the Band have been recorded or affected by two actions of government over the years.

- 1) Granting of water licences from Federal Government application for licences for the use of water on reserves.
- 2) Actions to amend, cancel or record as abandoned rights under licence pursuant to provisions in the *Water Act*.

HISTORY, CURRENT STATUS AND NOTES:

The history of water rights, the current status of rights, and notes for the Lakahahmen Band with respect to Engineers Creek is as follows:

Engineers Creek

History:

Mar 1, 1954

In accordance with an application made by the Director of Indian Affairs on behalf of the Lakahahmen Band, the Comptroller of Water Rights issued Conditional Water Licence 21880. This licence has a precedence date of November 24, 1953 and authorizes the diversion of 400 gallons of water per day, year round from Engineers Creek for domestic purpose. The land to which this licence is appurtenant is Aylechootlook No. 5.

Current Status:

There are currently five active licences on Engineers Creek, one of which is held by the Lakahahmen Band. Of the licences:

- ¥ 4 authorize the use of water for domestic purpose, ranging from 400 to 1,000 gallons of water per day
- ¥ 1 authorizes the use of 14,600,000 gallons of water per day for waterworks local authority purpose.

The Lakahahmen Band holds Conditional Water Licence 21880, which is fifth in priority on Engineers Creek.

Water Survey of Canada has no records of stream flow on Engineers Creek, and there is no other current information on water availability.

Notes:

1. There is no additional information with respect to the rights of the Lakahahmen Band on Engineers Creek.

OTHER INFORMATION:

Groundwater Records:

Review of records from the Groundwater Section finds evidence of one well on the Lakahahmen Band's reserves. This well yields 30 gallons of water per minute. Further details are attached to this report. The extent to which these wells are utilized at this time is unknown, and as provision of this information is voluntary, it cannot be assumed to be complete.

Alternate Water Sources:

The proximity of the Fraser River to the Lakahahmen reserves presents the potential for water supply to these reserves.

At this time the potential for water supply from a municipality is limited as there are no municipal water systems in the proximity of the Lakahahmen Reserves.

Water Protection Records:

The Water Protection Section has records of four dykes and bank improvement work within the Lakahahmen reserves. Lakahahmen Reserve No. 11 has a 0.90 kilometer dyke and bank improvement work along Nicomen Slough. In addition, Skweahm Reserve No. 10 and Zaitscullachan Reserve No. 9 also have records of dykes and bank improvement on Nicomen Slough. Skweahm Reserve No. 10 has a 2.10 kilometre dyke and Zaitscullachan Reserve No. 9 has a 0.70 kilometre dyke. Furthermore, Papekwatchin Reserve No. 4 has a 0.88 kilometre dyke and bank improvement along the Fraser River. All of the dykes and banks protection are maintained by the Nicomen Island District.

Summary of Water Rights Record

Lakahahmen First Nation

Water Source	Priority Date	Reserve Name	File No.	Document Type	Status	Superceded By	Licence PUC/MOD & OIC Allotments	Comments
Engineers Creek	1953/11/24	Aylechootlook # 5	0202206	C 21880	Current		400 GAD/Domestic	No additional information

PROVINCE OF
BRITISH COLUMBIA

Water Rights Branch

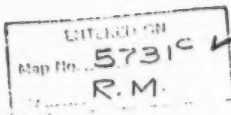
DEPARTMENT OF
LANDS AND FORESTS

CONDITIONAL WATER LICENCE

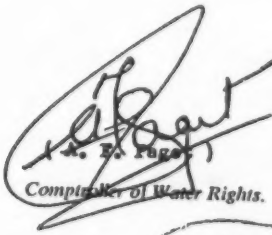
Director of Indian Affairs of Ottawa, Ontario.

is hereby authorized to divert and use water as follows:—

- (a) The source of the water-supply is **Engineers Creek.**
- (b) The point of diversion is located as shown on the attached plan.
- (c) The date from which this licence shall have precedence is **24th November, 1953.**
- (d) The purpose for which this water is to be used is **domestic.**
- (e) The maximum quantity of water which may be diverted is **400 gallons a day**
and such additional quantity as the Engineer may from time to time determine should be allowed for losses.
- (f) The period of the year during which the water may be used is **the whole year.**
- (g) The land upon which the water is to be used and to which this licence is appurtenant is
Indian Reserve Number 5, Aylechootlook, New Westminster District.
- (h) The works authorized to be constructed are
pipe
and they shall be located approximately as shown on the attached plan.
- (i) The construction of the said works ~~has been~~ ^{has been} commenced ~~on or before the~~ ^{on or before the} ~~1st~~ ^{1st}, and shall be completed and the water beneficially used on or before the **31st** day of **December**, 19 **55.**



Deputy


 A. E. Page
 Commissioner of Water Rights.

File No. 0202206

Date issued March 1, 1954.

Licence No. 21880

CL 21880
File 0202200

Stream Register Report Water License Information System

Report Requested By : BARNES
Date Report Requested : 1986/08/19 14:02
Report Sorted By : Source Classified - Priority Date - License Number
Selection Criteria
START POINT : PM1815 - 5731C V
END POINT : 805421 - Englemere Creek left of Sams River

Stream Register Report

Water License Information System

DATE: 1996/08/19
TIME: 14:02
PAGE: 001

Priority	License File	Appurtenancy	Licensee	P/C	Quantity/Units	Term	Term	License	Comments	Process	Status
YYY/MM/DD	Number	Number				Start	End				
1992/03/03	P039779	0105614	PRAC NE 1/4 LN 3 SEC 13 TP 20 RCH	DCM	1,000.00	01 Jan 01	Dec 31				
			PHILLIPS DEVELOPMENTS LTD 5978 BAYVIEW DR W VANCOUVER, BC V7N2E2								
1998/10/18	P012495	0132316	L 4 OF L 366 GP 2 RMD PLAN 4859	DCM	500.00	01 Jan 01	Dec 31				
			BABINGTON WATERWORKS DISTRICT C/O RUS H BOCKER 5631 ENTERPROVINCIAL HWY ABBOTSFORD BC V3G2P7								
1962/11/07	P012323	0148239	L 6 OF L 366 GP 2 RMD PLAN 4859	DCM	500.00	01 Jan 01	Dec 31				
			BABINGTON WATERWORKS DISTRICT C/O RUS H BOCKER 5631 ENTERPROVINCIAL HWY ABBOTSFORD BC V3G2P7								
1993/04/25	C021868	0199523	ALL THE LANDS WITHIN THE BOTS GP	WMLA	14,400,000.00	01 Jan 01	Dec 31				
			BABINGTON WATERWORKS DISTRICT C/O RUS H BOCKER 5631 ENTERPROVINCIAL HWY ABBOTSFORD BC V3G2P7								
1993/11/24	C021880	0202306	IN #5 ATLENDORTLOCK GP 3 RMD	DCM	400.00	01 Jan 01	Dec 31				
			LAKANANEN INDIAN BAND 987-579-8066 41280 LINDSEED HWY DERRIDGE BC V0H1G0								

----- Total of 5 Licenses Reported -----

20C MW - CHILLIWACK

20C MW - CHILLIWACK

20C MW - CHILLIWACK

20C MW - CHILLIWACK

20C MW - CHILLIWACK

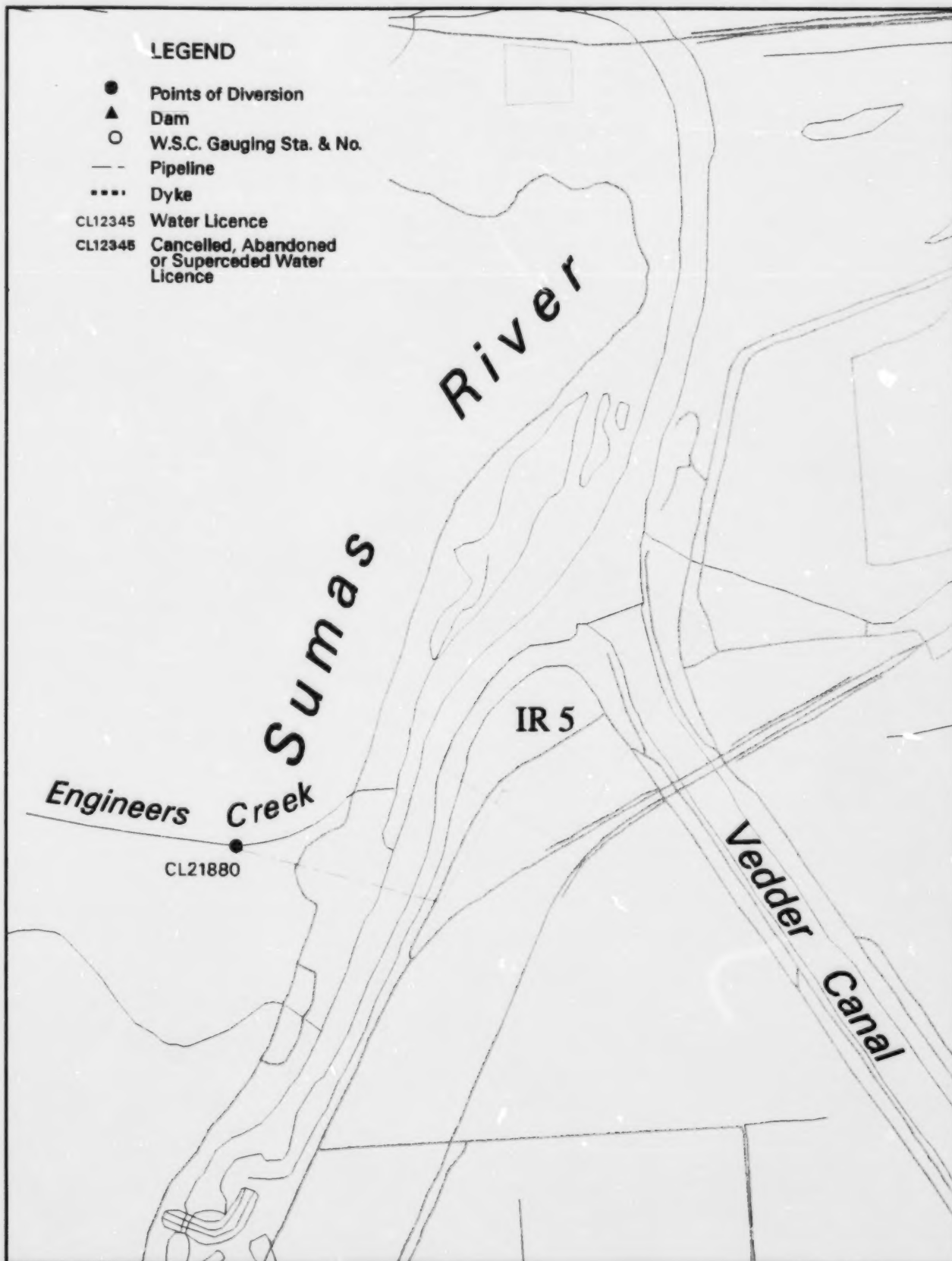
A	B	C	D	E	F	G	H	I	J	K	L	M	N
REF. NO.	RESERVE NAME & NO.	BAND NAME	WATER BODY	TYPE OF WORKS	LENGTH DTYPE (AK)	LENGTH N.P. (KM)	LENGTH CROWN (M)	APPROX. WATER SLOPE	PROT'D. AREA (HA)	DATE CONST'D.	CONST. BY	INSP. ECTED BY	MAINTAINED BY
1	ASHKOLA 10	LOVER SIMILLAKEEN	SIMILLAKEEN R.	DYKE & N.P.	0.40	1.20	?	?	80	1980	ARDSA	1. of D.	BAND
2	ATKOVUCKS 15	SQUAMISH	SQUAMISH R.	DYKE	0.10	N/A	3.0	2:1	10	1977	B.C./M.W.	1. of D.	SQUAMISH DIST.
3	BARNSTON ISLAND 3	KATZIE	FRASER R.	DYKE	0.07	N/A	3.0	2:1	40.5	1950	FYOB	1. of D.	BRSH. I.O. DIST.
4	BELLA COOLA 1	BELLA COOLA	THOMSON CR.	DYKE	0.02	0.09	1.0	2:1	?	1980	BAND	?	BAND
5	BELLA COOLA 1	BELLA COOLA	TASTISQUAN CR.	DYKE & N.P.	0.15	0.10	?	?	?	1974	BAND	?	BAND
6	CAPE HUDGE	CAPE HUDGE	SEA	SEAWALL	N/A	?	N/A	?	?	?	?	?	BAND
7	CHAVATWIL	HOPE	FRASER R.	N.P.	N/A	0.50	N/A	?	?	?	CPR	?	CPR
8	CHEAN 1	CHEAN	FRASER R.	DYKE	0.02	0.75	3.0	2.5:1	55.0	1974	FRJP/CNR	1. of D.	CHILLIVAC DIST.
9	CHEHALIS 5	CHEHALIS	CHEHALIS R.	DYKE	0.44	N/A	4.0	2:1	801	1950	BAND	?	BAND
10	COQUITLAN 2	COQUITLAN	COQUITLAN R.	DYKE	0.30	N/A	?	?	70	?	BAND	?	BAND
11	COVICHAN 1	COVICHAN	COVICHAN/KOISILAN RS.	DYKE	5.74	N/A	3.0	2:1	450	1985	ARDSA	1. of D.	BAND
12	DEADMAN'S CREEK	SKEETCHESTIN	DEADMAN CR.	N.P.	N/A	?	N/A	?	800	1948	BAND	?	BAND
13	EAST SAANICH 2	TSAYOUT	SEA	SEAWALL	N/A	0.40	N/A	1.5:1	?	1983	BAND	?	BAND
14	ENDERBY 2	ENDERBY	SUSVAP R./FORTUNE CR.	DYKE	?	N/A	?	?	340	?	BAND	?	BAND
15	FORT RUPERT 1	AVATUTIL	SEA	SEAWALL	N/A	0.09	N/A	1.5:1	340	1974	BAND	?	BAND
16	GITANNAK 1	GITANNAK	SKEERA R.	GROYNE	N/A	?	N/A	N/A	?	?	?	?	BAND
17	GORDON RIVER 2	PACHEENAH	SAN JOAN R.	N.P.	N/A	0.50	N/A	2:1	?	1951	BAND	?	BAND
18	HALFVAT 100	HALFVAT	HALFVAT R.	N.P.	N/A	0.10	N/A	?	?	1951	BAND	?	BAND
19	KARLOOPS	KARLOOPS	SOUTH THOMPSON R.	DYKE	1.37	N/A	?	?	?	1972	B.C.-HYTS.	?	BAND
20	KATZIE 1	OVERLAND	UTENOWN	DYKE	?	N/A	?	?	?	1990	BAND	?	BAND
21	KATZIE 1	KATZIE	FRASER R.	DYKE	0.60	N/A	3.0	2.5:1	31.5	1984	FRJP	1. of D.	PITT M'DOYS DIST.
22	KIMCOLITH 14	KIMCOLITH	KASS R.	CAUSEWAY	N/A	0.20	4.0	1.5:1	?	1990	BAND	?	BAND
23	KITANAAT 2	KITANAAT	NATML R.	DYKE	0.55	N/A	3.5	2:1	18	1968	BAND	?	BAND
24	KITVANGAR 1	KITVANGAR	SEENA	N.P.	N/A	?	N/A	?	53	?	CNR	?	CNR
25	KIVILLUCHSILT 7	KIVILLUCHSILT	UNCLAND	CHAN. IMPS	N/A	N/A	N/A	N/A	52	1987	BAND	?	BAND
26	KULATV 4	MARTLEY BAY	SEA	SEAWALL	N/A	0.22	N/A	1.5:1	?	1977	BAND	?	BAND
27	LACHALTSAP 9	LACHALTSAP	GREVILLE CR.	DYKE	1.40	N/A	4.0	1.5:1	100	1990	BND/BC	?	BAND
28	LAKAHANEN 11	LAKAHANEN	NICOMEN SLOUGH	DYKE	0.30	N/A	?	?	23	1945	FYOB	1. of D.	NICOMEN I.S. DIST.
29	LOUIS CREEK 4	NORTH THOMPSON	N. THOMPSON/LOUIS CR.	N.P.	N/A	?	N/A	?	0.8	1984	BAND	?	BAND
30	MASSET 1	MASSET	SEA	SEAWALL	N/A	0.22	N/A	VERT.	?	1983	BAND	?	BAND
31	MATSOJ KAIR 2	MATSOJ	FRASER R.	DYKE	1.10	N/A	3.0	2.5:1	41.3	1974	FRJP	1. of D.	DIST. OF MATSOJ
32	MCILLAN ISLAND 10	LANGLEY	FRASER R.	N.P.	N/A	0.46	N/A	?	101	?	BAND	?	BAND
33	MOUNT CURRIE 1, 8, 10	MOUNT CURRIE	BIRKENHEAD	DYKE	0.30	N/A	3.0	2:1	44	PRE-70	?	1. of D.	PENIKERTON D. DIST.
34	MUSQUEAN 2	MUSQUEAN	SEA/FRASER FRASER R.	DYKE & N.P.	0.55	0.40	?	?	27.3	?	BAND	?	BAND
35	NANAIMO RIVER 3	NANAIMO RIVER	NANAIMO R./SEA	DYKE	2.20	N/A	?	?	32	1934	BAND	?	BAND
36	NIOQUAQUE 1	ANDERSON LAKE	GATES R./ANDERSON L.	DYKE	?	N/A	?	?	9	1948	HYTS/BCA	?	?
37	NESUCH 3	MOUNT CURRIE	LILLOOET R.	DYKE	2.20	N/A	3.0	2.5:1	295	1947	B.C./B.D.	1. of D.	PENIKERTON D. DIST.
38	NORTH THOMPSON 1	NORTH THOMPSON	NORTH THOMPSON R.	N.P.	N/A	0.60	N/A	?	750	?	BAND	?	BAND
39	PAPERVATORIN 4	LAKAHANEN	FRASER R.	DYKE	0.18	N/A	3.0	2.5:1	16.4	1980	FRJP	1. of D.	NICOMEN I.S. DIST.
40	PENTICTON	PENTICTON	CLAKAGAN R./SHINGLE CR.	DYKE	?	N/A	?	?	530	1953	B.C./CAN.	1. of D.	PRYVANCE
41	PENTILEGE 2	COMO	PENTILEGE R.	N.P.	N/A	0.20	N/A	1.5:1	?	1972	BAND	?	BAND
42	PETERS 1	PETERS	FRASER	DYKE	0.25	N/A	?	?	125	1980	BAND	?	BAND
43	PETERS 2	PETERS	FRASER R.	N.P.	N/A	1.07	N/A	2:1	40	1988	BAND	?	BAND
44	PINCHIE 2	TL'AZT'EN NATION	STUART L./PINCHIE R.	N.P.	N/A	0.10	N/A	2.5:1	30	1988	BAND	?	BAND
45	PORT SIMPSON 1	LAX KY'ALAAS	SEA	CAUSEWAY	N/A	0.13	?	1:1	?	1950	BAND	?	BAND
46	QUAOUT 1	LITTLE SHUSVAP	LITTLE R./ SHUSVAP L.	N.P.	N/A	0.13	N/A	?	?	1975	BAND	?	BAND
47	RUBY CREEK 2	SLAVAHLOOE	RUBY CREEK	DYKE	?	N/A	?	?	1.2	?	BAND	?	BAND
48	SALMON RIVER 1	SPALLUNCHEEN	SALMON R.	N.P.	N/A	0.19	N/A	1.5:1	?	1984	BAND	?	BAND
49	SCOVITZ 1	SCOVITZ 1	FRASER R./HARRISON R.	DYKE	2.30	N/A	3.0	2.5:1	33	1972	FRJP	1. of D.	KENT DIST.
50	SEABIRD ISLAND	SEABIRD ISLAND	FRASER R.	N.P.	N/A	1.90	N/A	2:1	166	1974/82	FRJP/BAND	1. of D.	KENT DIST./BAND
51	SEATCHEN 10	SQUAMISH	SQUAMISH R.	DYKE	0.40	N/A	3.0	2.5:1	4	1987	B.C./M.W.	1. of D.	SQUAMISH DIST.
52	SECHILT 3	SECHILT	SEA	N.P.	N/A	0.05	N/A	1.5:1	?	1984	BAND	?	BAND
53	SEYMOUR CREEK 2	SQUAMISH	SEYMOUR CR.	N.P.	N/A	?	N/A	?	?	?	LESEE	?	?
54	SKAVALOKE 1	SKAVALOKE	FRASER R.	N.P.	N/A	0.12	N/A	?	?	?	?	?	BAND
55	SKYEAM 10	LAKAHANEN	NICOMEN SLOUGH	DYKE	2.10	N/A	3.0	2:1	33	1945	FYOB	1. of D.	NICOMEN I.S. DIST.
56	SKENOSCHANKIN 1, 7, 3	LOVER SIMILLAKEEN	SIMILLAKEEN R.	DYKE & N.P.	2.50	1.50	3.0	2:1	1100	1980	ARDSA	1. of D.	BAND
57	SLIDEGATE 1	SLIDEGATE	SEA	N.P.	N/A	0.10	N/A	?	?	?	?	?	BAND
58	SKYALAPM 10	SEVAN	FRASER R.	DYKE	0.70	N/A	3.0	2.5:1	400	1942	FYOB	1. of D.	NICOMEN I.S. DIST.
59	SKVAL 3	SEVAN	FRASER R.	DYKE	2.50	N/A	3.0	2:1	4	1950	FYOB	1. of D.	CHILLIVAC DIST.
60	SRVAY 4, 5	SEVAN	FRASER R.	DYKE	?	N/A	?	?	?	1950	FYOB	1. of D.	?
61	SLOSH 1	SETON LAKE	SETON R./SETON L.	N.P.	N/A	0.08	N/A	1.5-2:1	?	1990	BAND	?	?
62	SOOFAMLE 14	SOOFAMLE	CHILLIVAC R.	DYKE	2.11	N/A	3.7	2:1	?	1990	BAND	?	BAND
63	SWITSELMAN 8	ADAMS LAKE	SHUSVAP L./SETHOM CR.	DYKE	?	N/A	?	?	?	?	LESEE	?	?
64	TSAYVASSER	TSAYVASSER	SEA	DYKE	2.50	N/A	3.0	2.5:1	273	1985	FRJP	1. of D.	CORP. OF DELTA
65	TSEATAN 2	CHEAN	FRASER R.	DYKE & N.P.	2.40	0.70	3.0	2:1	97	1973	FRJP/BAND	1. of D.	KENT DIST./BAND
66	TULQUATE 4	GVA-SALA-MAYVAY	SEA/TULQUATE R.	N.P.	N/A	0.28	N/A	?	?	1971	BAND	?	BAND
67	WATVAVUR 14	SQUAMISH	SQUAMISH R.	DYKE	?	N/A	?	?	?	1977	B.C./M.W.	1. of D.	SQUAMISH DIST.
68	WHISPERING PINES 4	WHISPERING PINES	NORTH THOMPSON R.	DYKE	?	N/A	?	?	?	PRE-72	PREV. OTHER	?	?
69	ZAITSCHWELLACH 9	LAKAHANEN	NICOMEN SLOUGH	DYKE	0.70	N/A	3.0	2:1	20	1949	FYOB	1. of D.	NICOMEN I.S. DIST.

TOTALS 57.65 13.17

DYKE CATEGORIES: A - 1:200 yr. Flood + 0.6 M Freshboard - See Column Y COMMENTS
 B - 1:200 yr. Flood, no Freshboard
 C - Less than 1:200 yr. Flood or unknown

LEGEND

- Points of Diversion
- ▲ Dam
- W.S.C. Gauging Sta. & No.
- Pipeline
- Dyke
- CL12345 Water Licence
- CL12345 Cancelled, Abandoned or Superseded Water Licence



LAKAHAHMEN FIRST NATION

Scale: 1 : 12,000

Ministry of Environment, Lands & Parks

Date: February 2000

Environment & Lands Division